

# Senate Amendment 3331

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1 1 Amend Senate File 418 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 1 5 Code 2003, is amended to read as follows:  
1 6 When a vacancy occurs or will occur within one  
1 7 hundred twenty days in the supreme court, the court of  
1 8 appeals, or district court, the state commissioner of  
1 9 elections shall forthwith so notify the chairperson of  
1 10 the proper judicial nominating commission, unless the  
1 11 chief justice has ordered the state commissioner of  
1 12 elections to delay sending the notification. The  
1 13 chief justice may order the delay for up to one  
1 14 hundred eighty days for budgetary reasons. The  
1 15 chairperson shall call a meeting of the commission  
1 16 within ten days after such notice; if the chairperson  
1 17 fails to do so, the chief justice shall call such  
1 18 meeting.  
1 19 Sec. 2. Section 46.14, Code 2003, is amended to  
1 20 read as follows:  
1 21 46.14 NOMINATION.  
1 22 1. Each judicial nominating commission shall  
1 23 carefully consider the individuals available for  
1 24 judge, and within sixty days after receiving notice of  
1 25 a vacancy shall certify to the governor and the chief  
1 26 justice the proper number of nominees, in alphabetical  
1 27 order. Such nominees shall be chosen by the  
1 28 affirmative vote of a majority of the full statutory  
1 29 number of commissioners upon the basis of their  
1 30 qualifications and without regard to political  
1 31 affiliation. Nominees shall be members of the bar of  
1 32 Iowa, shall be residents of the state or district of  
1 33 the court to which they are nominated, and shall be of  
1 34 such age that they will be able to serve an initial  
1 35 and one regular term of office to which they are  
1 36 nominated before reaching the age of seventy-two  
1 37 years. Nominees for district judge shall file a  
1 38 certified application form, to be provided by the  
1 39 supreme court, with the chairperson of the district  
1 40 judicial nominating commission. ~~No person shall be~~  
1 41 ~~eligible for nomination by a commission as judge~~  
1 42 ~~during the term for which the person was elected or~~  
1 43 ~~appointed to that commission.~~ Absence of a  
1 44 commissioner or vacancy upon the commission shall not  
1 45 invalidate a nomination. The chairperson of the  
1 46 commission shall promptly certify the names of the  
1 47 nominees, in alphabetical order, to the governor and  
1 48 the chief justice.  
1 49 2. A commissioner shall not be eligible for  
1 50 nomination by the commission during the term for which  
2 1 the commissioner was elected or appointed to that  
2 2 commission. A commissioner shall not be eligible to  
2 3 vote for the nomination of a family member, current  
2 4 law partner, or current business partner. For  
2 5 purposes of this subsection, "family member" means a  
2 6 spouse, son, daughter, brother, sister, uncle, aunt,  
2 7 first cousin, nephew, niece, father-in-law, mother-in-  
2 8 law, son-in-law, daughter-in-law, brother-in-law,  
2 9 sister-in-law, father, mother, stepfather, stepmother,  
2 10 stepson, stepdaughter, stepbrother, stepsister, half  
2 11 brother, or half sister.  
2 12 Sec. 3. Section 46.16, subsections 2 and 3, Code  
2 13 2003, are amended to read as follows:  
2 14 2. Subject to removal for cause, the initial term  
2 15 of office of a district associate judge shall be for  
2 16 one year after appointment and until January 1  
2 17 following the next judicial election after expiration  
2 18 of such year, and the regular term of office of a  
2 19 district associate judge retained at a judicial  
2 20 election shall be ~~four~~ six years from the expiration  
2 21 of the initial or previous regular term, as the case  
2 22 may be.  
2 23 3. Subject to removal for cause, the initial term  
2 24 of office of a full-time associate juvenile judge or a  
2 25 full-time associate probate judge shall be for one

2 26 year after appointment and until January 1 following  
2 27 the next judicial election after expiration of such  
2 28 year, and the regular term of office of a full-time  
2 29 associate juvenile judge or a full-time associate  
2 30 probate judge retained at a judicial election shall be  
2 31 ~~four~~ six years from the expiration of the initial or  
2 32 previous regular term, as the case may be.

2 33 Sec. 4. Section 232.35, subsection 1, Code 2003,  
2 34 is amended to read as follows:  
2 35 1. A formal judicial proceeding to determine  
2 36 whether a child has committed a delinquent act shall  
2 37 be initiated by the filing by the county attorney of a  
2 38 petition alleging that a child has committed a  
2 39 delinquent act. After a petition has been filed,  
2 40 service of a summons requiring the child to appear  
2 41 before the court or service of a notice shall be made  
2 42 as provided in section 232.37.

2 43 Sec. 5. Section 232.37, subsection 4, Code 2003,  
2 44 is amended to read as follows:  
2 45 4. Service of summons or notice shall be made  
2 46 personally by the sheriff by the delivery of  
2 47 delivering a copy of the summons or notice to the  
2 48 person being served. If the court determines that  
2 49 personal service of a summons or notice is  
2 50 impracticable, the court may order service by  
3 1 certified mail addressed to the last known address.  
3 2 Service of summons or notice shall be made not less  
3 3 than five days before the time fixed for hearing.  
3 4 Service of summons, notice, subpoenas or other  
3 5 process, after an initial valid summons or notice,  
3 6 shall be made in accordance with the rules of the  
3 7 court governing such service in civil actions.

3 8 Sec. 6. Section 232.183, subsection 7, Code 2003,  
3 9 is amended by striking the subsection.

3 10 Sec. 7. Section 236.3, unnumbered paragraph 2,  
3 11 Code 2003, is amended to read as follows:  
3 12 The filing fee and court costs for an order for  
3 13 protection and in a contempt action under this chapter  
3 14 shall be waived for the plaintiff. The clerk of  
3 15 court, the sheriff of any county in this state, and  
3 16 other law enforcement and corrections officers shall  
3 17 perform their duties relating to service of process  
3 18 without charge to the plaintiff. When an order for  
3 19 protection is entered by the court, the court may  
3 20 direct the defendant to pay to the clerk of court the  
3 21 fees for the filing of the petition and reasonable  
3 22 costs of service of process if the court determines  
3 23 the defendant has the ability to pay the plaintiff's  
3 24 fees and costs.

3 25 Sec. 8. Section 237.20, unnumbered paragraph 1,  
3 26 Code 2003, is amended to read as follows:  
3 27 A local board shall, except in delinquency cases,  
3 28 do the following:

3 29 Sec. 9. Section 255.1, unnumbered paragraph 1,  
3 30 Code 2003, is amended to read as follows:  
3 31 Any adult resident of the state may file a  
3 32 complaint in the office of the ~~clerk of any juvenile~~  
3 33 ~~court, county general assistance director~~ charging  
3 34 that any legal resident of Iowa residing in the county  
3 35 where the complaint is filed is pregnant or is  
3 36 suffering from some malady or deformity that can  
3 37 probably be improved or cured or advantageously  
3 38 treated by medical or surgical treatment or hospital  
3 39 care, and that neither such person nor persons legally  
3 40 chargeable with the person's support are able to pay  
3 41 therefor.

3 42 Sec. 10. Section 255.4, Code 2003, is amended to  
3 43 read as follows:  
3 44 255.4 EXAMINATION BY PHYSICIAN.  
3 45 Upon the filing of such complaint, the ~~clerk shall~~  
3 46 ~~number and index the same and county general~~  
3 47 ~~assistance director~~ shall appoint a competent  
3 48 physician and surgeon, living in the vicinity of the  
3 49 patient, who shall personally examine the patient with  
3 50 respect to ~~said the~~ pregnancy, malady, or deformity.  
4 1 The ~~clerk director~~ may, after the expiration of five  
4 2 years from the filing of a complaint, destroy ~~it the~~  
4 3 ~~complaint~~ and all papers or records in connection  
4 4 ~~therewith with the complaint.~~

4 5 Sec. 11. Section 255.5, Code 2003, is amended to  
4 6 read as follows:

4 7 255.5 REPORT BY PHYSICIAN.  
4 8 Such physician shall make a report in duplicate on  
4 9 blanks furnished as ~~hereinafter~~ provided in this  
~~4 10 chapter, answering the questions contained therein in~~  
~~4 11 the blanks~~ and setting forth the information required  
4 12 ~~thereby~~, giving such history of the case as will be  
4 13 likely to aid the medical or surgical treatment or  
4 14 hospital care of such patient, describing the  
4 15 pregnancy, deformity, or malady in detail, and stating  
4 16 whether or not in the physician's opinion the ~~same~~  
4 17 ~~pregnancy, deformity, or malady~~ can probably be  
4 18 improved or cured or advantageously treated, which  
4 19 report shall be filed in the office of the ~~clerk~~  
~~4 20 within such time as the clerk may fix~~ county general  
~~4 21 assistance director.~~  
4 22 Sec. 12. Section 255.6, Code 2003, is amended to  
4 23 read as follows:  
4 24 255.6 INVESTIGATION AND REPORT.  
4 25 When a complaint is filed, ~~the clerk of juvenile~~  
~~4 26 court in the office of the county general assistance~~  
~~4 27 director, the director~~ shall furnish the county  
4 28 attorney and board of supervisors with a copy and the  
4 29 board shall, by the general assistance director or  
4 30 other agent it selects, make a thorough investigation  
4 31 of facts as to the legal residence of the patient, and  
4 32 the ability of the patient or others chargeable with  
4 33 the patient's support to pay the expense of treatment  
4 34 and care; and shall file a report of the investigation  
4 35 ~~in the office of the clerk, with the board~~ at or  
4 36 before the time of hearing.  
4 37 Sec. 13. Section 255.7, Code 2003, is amended to  
4 38 read as follows:  
4 39 255.7 NOTICE OF HEARING == DUTY OF COUNTY  
4 40 ATTORNEY.  
4 41 When the physician's report has been filed, the  
4 42 ~~clerk county general assistance director shall, with~~  
~~4 43 the consent of the court or judge, fix set~~ a time and  
4 44 place for hearing ~~of on~~ the matter ~~by the court~~, and  
4 45 the county attorney shall cause such patient and the  
4 46 parent or parents, guardian, or person having the  
4 47 legal custody of said patient, if under legal  
4 48 disability, to be served with such notice of the time  
4 49 and place of the hearing as the ~~judge or clerk~~  
4 50 director may prescribe.  
5 1 Sec. 14. Section 255.8, Code 2003, is amended to  
5 2 read as follows:  
5 3 255.8 ~~HEARING == ORDER == EMERGENCY CASES ==~~  
~~5 4 CANCELLATION OF COMMITMENTS DETERMINATION BY BOARD OF~~  
~~5 5 SUPERVISORS.~~  
5 6 ~~The county attorney and the general assistance~~  
~~5 7 director, or other agent of the board of supervisors~~  
~~5 8 of the county, shall appear at the hearing. The~~  
~~5 9 complainant, the county attorney, the general~~  
~~5 10 assistance director or other agent of the board of~~  
~~5 11 supervisors, and the patient, or any person~~  
~~5 12 representing the patient, may introduce evidence and~~  
~~5 13 be heard. If the court board of supervisors finds~~  
5 14 that the patient is a legal resident of Iowa and is  
5 15 pregnant or is suffering from a malady or deformity  
5 16 which can probably be improved or cured or  
5 17 advantageously treated by medical or surgical  
5 18 treatment or hospital care, and that neither the  
5 19 patient nor any person legally chargeable with the  
5 20 patient's support is able to pay the expenses, ~~then~~  
5 21 ~~the clerk of court county general assistance director,~~  
5 22 except in obstetrical cases and orthopedic cases,  
5 23 shall immediately ascertain from the admitting  
5 24 physician at the university hospital whether the  
5 25 person can be received as a patient within a period of  
5 26 thirty days, and if the patient can be received, the  
5 27 ~~court, or in the event of no actual contest, the clerk~~  
~~5 28 of the court, board shall enter an order directing~~  
5 29 direct that the patient be sent to the university  
5 30 hospital for proper medical and surgical treatment and  
5 31 hospital care. ~~If the court ascertain board~~  
~~5 32 ascertains~~, except in obstetrical cases and orthopedic  
5 33 cases, that a person of the age or sex of the patient,  
5 34 or afflicted by the complaint, disease, or deformity  
5 35 with which the person is afflicted, cannot be received  
5 36 as a patient at the university hospital within the  
5 37 period of thirty days, ~~then the court or the clerk~~

5 38 ~~shall enter an order directing the board of~~  
5 39 ~~supervisors of shall direct~~ the county to provide  
5 40 adequate treatment at county expense for the patient  
5 41 at home or in a hospital. Obstetrical cases and  
5 42 orthopedic cases may be committed to the university  
5 43 hospital without regard to the limiting period of  
5 44 thirty days.  
5 45 In any case of emergency the ~~court or the clerk~~  
5 46 ~~board of supervisors~~ without previous inquiry may at  
5 47 its discretion order the patient to be immediately  
5 48 taken to and accepted by the university hospital for  
5 49 the necessary care as provided in section 255.11, but  
5 50 if such a patient cannot be immediately accepted at  
6 1 the university hospital as ascertained by telephone if  
6 2 necessary, ~~the court or the clerk may enter an order~~  
6 3 ~~as in certain cases above set forth directing the~~  
6 4 board of supervisors shall direct the county to  
6 5 provide adequate treatment at county expense for the  
6 6 ~~said~~ patient at home or in a hospital.  
6 7 Sec. 15. Section 255.10, Code 2003, is amended to  
6 8 read as follows:  
6 9 255.10 RELIGIOUS BELIEF == DENIAL OF ORDER.  
6 10 The ~~court board of supervisors~~ in its discretion  
6 11 may refuse to make such order in any case where the  
6 12 ~~court board~~ finds the patient or the patient's parent,  
6 13 parents, or guardian are members of a religious  
6 14 denomination whose tenets preclude dependence on the  
6 15 practice of medicine or surgery and desire in good  
6 16 faith to rely upon the practice of their religion for  
6 17 relief from disease or disorder.  
6 18 Sec. 16. Section 255.11, Code 2003, is amended to  
6 19 read as follows:  
6 20 255.11 ORDER IN CASE OF EMERGENCY.  
6 21 In cases of great emergency, when the ~~court or~~  
6 22 ~~judge board of supervisors~~ is satisfied that delay  
6 23 would be seriously injurious to the patient, the ~~court~~  
6 24 ~~or judge board of supervisors~~ may make such order with  
6 25 the consent of the patient, if an adult, or of the  
6 26 parent or parents, guardian, or person having the  
6 27 legal custody of ~~said the~~ patient, if a minor or  
6 28 incompetent, without examination, report, notice, or  
6 29 hearing.  
6 30 Sec. 17. Section 255.12, Code 2003, is amended to  
6 31 read as follows:  
6 32 255.12 CERTIFIED COPY OF ORDER.  
6 33 The ~~clerk county general assistance director~~ shall  
6 34 prepare a certified copy of ~~said such~~ order, which,  
6 35 together with a copy of the physician's report, shall  
6 36 be delivered to the admitting physician of ~~said such~~  
6 37 hospital at or before the time of the reception of the  
6 38 patient into the hospital.  
6 39 Sec. 18. Section 255.13, Code 2003, is amended to  
6 40 read as follows:  
6 41 255.13 ATTENDANT == PHYSICIAN == COMPENSATION.  
6 42 If the physician appointed to examine the patient  
6 43 ~~shall certify certifies~~ that an attendant to accompany  
6 44 the patient to the ~~said~~ hospital is necessary, and the  
6 45 university hospital attendant and ambulance service is  
6 46 not available, ~~then the court or judge or clerk of the~~  
6 47 ~~court the county general assistance director~~ may  
6 48 appoint an attendant who shall receive not exceeding  
6 49 two dollars per day for the time thus necessarily  
6 50 employed and actual necessary traveling expenses by  
7 1 the most feasible route to ~~said the~~ hospital whether  
7 2 by ambulance, train, or automobile; but if such  
7 3 appointee is a relative of the patient or a member of  
7 4 the patient's immediate family, or receives a salary  
7 5 or other compensation from the public for the  
7 6 appointee's services, no such per diem compensation  
7 7 shall be paid. The physician appointed ~~by the court~~  
7 8 ~~or clerk~~ to make the examination and report shall  
7 9 receive ~~therefor~~ three dollars for each examination  
7 10 and report so made and the physician's actual  
7 11 necessary expenses incurred in making such  
7 12 examination, but if ~~said the~~ physician receives a  
7 13 salary or other compensation from the public for the  
7 14 physician's full-time services, ~~then~~ no such  
7 15 examination fee shall be paid. The actual, necessary  
7 16 expenses of transporting and caring for the patient  
7 17 shall be paid as ~~hereinafter~~ provided in this chapter.  
7 18 Sec. 19. Section 255.14, Code 2003, is amended to

7 19 read as follows:  
7 20 255.14 PAYMENT OF EXPENSES == HOW PAID.  
7 21 An itemized, verified statement of all charges  
7 22 provided for in sections 255.8 and 255.13, in cases  
7 23 where the patient is admitted or accepted for  
7 24 treatment at the university hospital shall be filed  
7 25 with the superintendent of the university hospital,  
7 26 and upon the superintendent's recommendation when  
7 27 approved by the ~~judge or clerk of the court under~~  
~~7 28 whose order the same were incurred~~ board of  
~~7 29 supervisors, they the charges shall be charged~~ 7 30 included on the regular bill for the  
maintenance,  
7 31 transportation and treatment of the patient, and be  
7 32 audited and paid in the manner as ~~hereinafter~~ provided  
7 33 in this chapter.  
7 34 Sec. 20. Section 255.21, Code 2003, is amended to  
7 35 read as follows:  
7 36 255.21 TREATMENT OUTSIDE HOSPITAL == ATTENDANT.  
7 37 If, in the judgment of the physician or surgeon to  
7 38 whom the patient has been assigned for treatment,  
7 39 continuous residence of the patient in the hospital is  
7 40 unnecessary, such patient may, by the hospital  
7 41 authorities, be sent to the patient's home or other  
7 42 appropriate place, and be required to return to the  
7 43 hospital when and for such length of time as may be  
7 44 for the patient's benefit. The hospital authorities  
7 45 may, if necessary, appoint an attendant to accompany  
7 46 such patient and discharged patients, and the  
7 47 compensation of such attendant shall be fixed by the  
7 48 state board of regents and charged by the hospital as  
7 49 part of the costs of transporting patients. The  
7 50 compensation paid to and the expenses of the attendant  
8 1 shall be audited and paid in the same manner as is  
8 2 provided by law for the compensation of an attendant  
8 3 appointed by the ~~court~~ board of supervisors.  
8 4 Sec. 21. Section 255.22, Code 2003, is amended to  
8 5 read as follows:  
8 6 255.22 TREATMENT AUTHORIZED.  
8 7 ~~No~~ A minor or incompetent person shall not be  
8 8 treated for any malady or deformity except such as is  
8 9 reasonably well described in the order ~~of court~~ or the  
8 10 report of the examining physician, unless permission  
8 11 for such treatment is provided for in the order ~~of~~  
~~8 12 court~~, or is granted by the person's parents or  
8 13 guardian; but the physician in charge may administer  
8 14 such treatment or perform such surgical operations as  
8 15 are usually required in cases of emergency.  
8 16 Sec. 22. Section 255.27, Code 2003, is amended to  
8 17 read as follows:  
8 18 255.27 FACULTY TO PREPARE BLANKS == PRINTING.  
8 19 The medical faculty of the state university  
8 20 hospital shall from time to time prepare blanks  
8 21 containing questions and requiring information that it  
8 22 finds necessary and proper to be obtained by the  
8 23 physician who examines a patient under order of ~~court~~  
8 24 the board of supervisors. The blanks shall be printed  
8 25 by the state, and a sufficient supply shall be  
8 26 furnished by the state printing administrator to the  
8 27 ~~clerk of each juvenile court in the state county~~  
~~8 28 general assistance director.~~ The cost of printing the  
8 29 blanks shall be audited, allowed, and paid in the same  
8 30 manner as other bills for public printing.  
8 31 Sec. 23. Section 321.20B, subsection 4, paragraph  
8 32 b, subparagraph (1), unnumbered paragraph 1, Code  
8 33 2003, is amended to read as follows:  
8 34 An owner or driver who produces to the clerk of  
8 35 court, ~~within thirty days of the issuance of the~~  
~~8 36 citation under paragraph "a", or prior to the date of~~  
8 37 the individual's court appearance as indicated on the  
8 38 citation, ~~whichever is earlier,~~ proof that financial  
8 39 liability coverage was in effect for the motor vehicle  
8 40 at the time the person was stopped and cited, or, if  
8 41 the driver is not the owner of the motor vehicle,  
8 42 proof that liability coverage was in effect for the  
8 43 driver with respect to the motor vehicle being driven  
8 44 at the time the driver was stopped and cited, in the  
8 45 same manner as if the motor vehicle were owned by the  
8 46 driver, shall be given a receipt indicating that such  
8 47 proof was provided and be subject to one of the  
8 48 following:  
8 49 Sec. 24. Section 321.20B, subsection 4, paragraph

8 50 c, Code 2003, is amended to read as follows:  
9 1 c. An owner or driver cited for a violation of  
9 2 subsection 1, who produces to the clerk of court  
9 3 ~~within thirty days of the issuance of the citation~~  
9 4 ~~prior to the date of the individual's court appearance~~  
9 5 ~~as indicated on the citation~~ proof that financial  
9 6 liability coverage was in effect for the motor vehicle  
9 7 at the time the person was stopped and cited, shall  
9 8 not be convicted of such violation and the citation  
9 9 issued shall be dismissed.

9 10 Sec. 25. Section 321.20B, subsection 5, paragraph  
9 11 b, Code 2003, is amended to read as follows:  
9 12 b. Issue a citation. An owner or driver who  
9 13 produces to the clerk of court ~~within thirty days of~~  
9 14 ~~the issuance of the citation, or~~ prior to the date of  
9 15 the individual's court appearance as indicated on the  
9 16 citation, ~~whichever is earlier,~~ proof that the  
9 17 financial liability coverage was in effect for the  
9 18 motor vehicle at the time the person was stopped and  
9 19 cited, or if the driver is not the owner of the motor  
9 20 vehicle, proof that liability coverage was in effect  
9 21 for the driver with respect to the motor vehicle being  
9 22 driven at the time the driver was stopped and cited in  
9 23 the same manner as if the motor vehicle were owned by  
9 24 the driver, shall be given a receipt indicating that  
9 25 proof was provided, and the citation issued shall be  
9 26 dismissed.

9 27 Sec. 26. Section 321.484, unnumbered paragraph 2,  
9 28 Code 2003, is amended to read as follows:  
9 29 The owner of a vehicle shall not be held  
9 30 responsible for a violation of a provision regulating  
9 31 the stopping, standing, or parking of a vehicle,  
9 32 whether the provision is contained in this chapter, or  
9 33 chapter 321L, or an ordinance or other regulation or  
9 34 rule, if the owner establishes that at the time of the  
9 35 violation the vehicle was in the custody of an  
9 36 identified person other than the owner pursuant to a  
9 37 lease as defined in chapter 321F or pursuant to a  
9 38 rental agreement as defined in section 516D.3. The  
9 39 furnishing to the ~~clerk of the district court~~ county  
9 40 attorney where the charge is pending of a copy of the  
9 41 lease prescribed by section 321F.6 or rental agreement  
9 42 that was in effect for the vehicle at the time of the  
9 43 alleged violation shall be prima facie evidence that  
9 44 the vehicle was in the custody of an identified person  
9 45 other than the owner within the meaning of this  
9 46 paragraph, ~~and the charge against the owner shall be~~  
9 47 ~~dismissed. The clerk of the district court then shall~~  
9 48 ~~cause a uniform citation and complaint to be issued~~  
9 49 ~~against the lessee or renter of the vehicle, and the~~  
9 50 ~~citation shall be served upon the defendant by~~  
10 1 ~~ordinary mail directed to the defendant at the address~~  
10 2 ~~shown in the lease or rental agreement.~~

10 3 Sec. 27. Section 331.653, Code 2003, is amended by  
10 4 adding the following new subsection:  
10 5 NEW SUBSECTION. 23A. Carry out duties related to  
10 6 service of a summons, notice, or subpoena pursuant to  
10 7 sections 232.35, 232.37, and 232.88.

10 8 Sec. 28. Section 598.21, Code 2003, is amended by  
10 9 adding the following new subsection:  
10 10 NEW SUBSECTION. 10A. If the court modifies an  
10 11 order, and the original decree was entered in another  
10 12 county in Iowa, the clerk of court shall send a copy  
10 13 of the modification by regular mail, electronic  
10 14 transmission, or facsimile to the clerk of court for  
10 15 the county where the original decree was entered.

10 16 Sec. 29. Section 602.1215, subsection 1, Code  
10 17 2003, is amended to read as follows:  
10 18 1. The Subject to the provisions of section  
10 19 602.1209, subsection 3, the district judges of each  
10 20 judicial election district shall by majority vote  
10 21 appoint persons to serve as clerks of the district  
10 22 court, one for each county within the judicial  
10 23 election district. The district judges of a judicial  
10 24 election district may appoint a person to serve as  
10 25 clerk of the district court for more than one but not  
10 26 more than four contiguous counties in the same  
10 27 judicial district. A person does not qualify for  
10 28 appointment to the office of clerk of the district  
10 29 court unless the person is at the time of application  
10 30 a resident of the state. ~~Within three months of~~

~~10 31 appointment the clerk of the district court must~~  
~~10 32 establish residence and physically reside in the~~  
~~10 33 county.~~ A clerk of the district court may be removed  
10 34 from office for cause by a majority vote of the  
10 35 district judges of the judicial election district.  
10 36 Before removal, the clerk of the district court shall  
10 37 be notified of the cause for removal.  
10 38 Sec. 30. Section 602.1501, subsection 4, Code  
10 39 2003, is amended to read as follows:  
10 40 4. District associate judges shall receive the  
10 41 salary set by the general assembly. ~~However, an~~  
~~10 42 alternate district associate judge whose appointment~~  
~~10 43 is authorized under section 602.6303 shall receive a~~  
~~10 44 salary for each day of actual duty equal to a district~~  
~~10 45 associate judge's daily salary.~~  
10 46 Sec. 31. Section 602.1604, Code 2003, is amended  
10 47 to read as follows:  
10 48 602.1604 JUDGES SHALL NOT PRACTICE LAW.  
10 49 While holding office, a supreme court justice,  
10 50 court of appeals judge, district judge, or district  
11 1 associate judge shall not practice as an attorney or  
11 2 counselor or give advice in relation to any action  
11 3 pending or about to be brought in any of the courts of  
11 4 the state. ~~A person whose appointment as an alternate~~  
~~11 5 district associate judge is authorized under section~~  
~~11 6 602.6303 may practice law except when actually serving~~  
~~11 7 as a district associate judge.~~  
11 8 Sec. 32. Section 602.1611, subsection 2, Code  
11 9 2003, is amended by striking the subsection.  
11 10 Sec. 33. Section 602.6105, subsection 3, Code  
11 11 2003, is amended to read as follows:  
11 12 3. a. The chief judge of a judicial district  
11 13 shall designate times and places for magistrates to  
11 14 hold court to ensure accessibility of magistrates at  
11 15 all times throughout the district. The schedule of  
11 16 times and places of availability of magistrates and  
11 17 any schedule changes shall be disseminated by the  
11 18 chief judge to the peace officers within the district.  
11 19 b. The chief judge of a judicial district shall  
11 20 schedule a magistrate to hold court in a city other  
11 21 than the county seat if all of the following apply:  
11 22 (1) Magistrate court was regularly scheduled in  
11 23 the city on or after July 1, 2001.  
11 24 (2) The population of the city is at least two  
11 25 times greater than the population of the county seat  
11 26 or the population of the city is at least thirty  
11 27 thousand.  
11 28 (3) The city requests the chief judge to schedule  
11 29 magistrate court.  
11 30 In addition to paying the costs in section  
11 31 602.1303, subsection 1, the city requesting the  
11 32 magistrate court shall pay any other costs for holding  
11 33 magistrate court in the city which would not otherwise  
11 34 have been incurred by the judicial branch.  
11 35 Sec. 34. Section 602.6107, Code 2003, is amended  
11 36 by striking the section and inserting in lieu thereof  
11 37 the following:  
11 38 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND  
11 39 JUDICIAL ELECTION DISTRICTS.  
11 40 1. The supreme court shall, beginning January 1,  
11 41 2012, and at least every ten years thereafter, review  
11 42 the division of the state into judicial districts and  
11 43 judicial election districts in order to determine  
11 44 whether the composition or the total number of the  
11 45 judicial districts and judicial election districts is  
11 46 the most efficient and effective administration of the  
11 47 district court and the judicial branch.  
11 48 2. If the supreme court determines that the  
11 49 administration of the district court and the judicial  
11 50 branch would be made more efficient and effective by  
12 1 reorganizing the judicial districts and judicial  
12 2 election districts, which may include expanding or  
12 3 contracting the total number of judicial districts and  
12 4 judicial election districts, the supreme court shall  
12 5 develop and submit to the general assembly by November  
12 6 15 a plan that reorganizes the judicial districts and  
12 7 judicial election districts. The legislative service  
12 8 bureau shall draft a bill embodying the plan for  
12 9 submission by the supreme court to the general  
12 10 assembly. The general assembly shall bring the bill  
12 11 to a vote in either the senate or the house of

12 12 representatives within thirty days of the bill's  
12 13 submission by the supreme court to the general  
12 14 assembly, under a procedure or rule permitting no  
12 15 amendments by either house except those of a purely  
12 16 corrective nature. If both houses pass the bill, the  
12 17 bill shall be presented as any other bill to the  
12 18 governor for approval. The bill shall take effect  
12 19 upon the general assembly passing legislation, which  
12 20 is approved by the governor including an effective  
12 21 date for the reorganization of the judicial districts  
12 22 and judicial election districts.

12 23 3. The composition of the judicial districts in  
12 24 section 602.6107, Code 2003, and judicial election  
12 25 districts in section 602.6109, Code 2003, shall remain  
12 26 in effect until a new division of the state into  
12 27 judicial districts and judicial election districts is  
12 28 enacted.

12 29 4. It is the intent of the general assembly that  
12 30 the supreme court prior to developing a plan pursuant  
12 31 to this section consult with and receive input from  
12 32 members of the general public, court employees,  
12 33 judges, members of the general assembly, the judicial  
12 34 departments of correctional services, county officers,  
12 35 officials from other interested political  
12 36 subdivisions, and attorneys. In submitting a plan  
12 37 pursuant to this section, the supreme court shall also  
12 38 submit to the general assembly a report stating the  
12 39 reasons for developing the plan and describing in  
12 40 detail the process used in developing the plan.

12 41 5. Nothing in this section or other provision of  
12 42 the Code shall be construed to preclude the general  
12 43 assembly or the judicial branch from proposing or  
12 44 considering a plan reorganizing the judicial districts  
12 45 and judicial election districts at any time.

12 46 Sec. 35. Section 602.6109, Code 2003, is amended  
12 47 by striking the section and inserting in lieu thereof  
12 48 the following:

12 49 602.6109 JUDICIAL ELECTION DISTRICTS AND  
12 50 JUDGESHIPS.

13 1 1. The reorganized judicial election districts  
13 2 established pursuant to section 602.6107 shall be used  
13 3 solely for purposes of nomination, appointment, and  
13 4 retention of judges of the district court.

13 5 2. If the judicial election districts are  
13 6 reorganized under section 602.6107, the state court  
13 7 administrator shall reapportion the number of  
13 8 judgeships to which each judicial election district is  
13 9 entitled. The reapportionment shall be determined  
13 10 according to section 602.6201, subsection 3.

13 11 Sec. 36. Section 602.6111, Code 2003, is amended  
13 12 by striking the section and inserting in lieu thereof  
13 13 the following:

13 14 602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH  
13 15 THE CLERK.

13 16 1. Any party, other than the state or a political  
13 17 subdivision of the state, filing a petition or  
13 18 complaint, answer, appearance, first motion, or any  
13 19 document filed with the clerk of the district court  
13 20 which brings a new party into a proceeding shall  
13 21 provide the clerk of the district court with the  
13 22 following information when applicable:

13 23 a. An employer identification number if a number  
13 24 has been assigned.

13 25 b. The birth date of the party.

13 26 c. The social security number of the party.

13 27 2. Any party, except the child support recovery  
13 28 unit, filing a petition, complaint, answer,  
13 29 appearance, first motion, or any document with the  
13 30 clerk of the district court to establish or modify an  
13 31 order for child support under chapter 236, 252A, 252K,  
13 32 598, or 600B shall provide the clerk of the district  
13 33 court with the date of birth and social security  
13 34 number of the child.

13 35 3. A party shall provide the information pursuant  
13 36 to this section in the manner required by rules or  
13 37 directives prescribed by the supreme court. The clerk  
13 38 of the district court shall keep a social security  
13 39 number provided pursuant to this section confidential  
13 40 in accordance with the rules and directives prescribed  
13 41 by the supreme court.

13 42 Sec. 37. NEW SECTION. 602.6112 REGIONAL



13 43 LITIGATION CENTERS == PROHIBITION.  
13 44 The judicial branch shall not establish regional  
13 45 litigation centers.  
13 46 Sec. 38. Section 602.6201, subsection 8, Code  
13 47 2003, is amended to read as follows:  
13 48 ~~8. Vacancies shall not be filled in a judicial~~  
~~13 49 election district which becomes entitled to fewer~~  
~~13 50 judgeships under subsection 3, but an An incumbent~~  
14 1 district judge shall not be removed from office  
14 2 because of a reduction in the number of authorized  
14 3 judgeships.  
14 4 Sec. 39. Section 602.6201, Code 2003, is amended  
14 5 by adding the following new subsections:  
14 6 NEW SUBSECTION. 11. Notwithstanding any other  
14 7 provision of the Code to the contrary, if a vacancy in  
14 8 a judgeship occurs, and the chief justice of the  
14 9 supreme court makes a finding that a substantial  
14 10 disparity exists in the allocation of judgeships and  
14 11 judicial workload between judicial election districts,  
14 12 the chief justice may apportion the judgeship from the  
14 13 judicial election district where the vacancy occurs to  
14 14 another judicial election district based upon the  
14 15 substantial disparity finding. However, a judgeship  
14 16 shall not be apportioned pursuant to this section  
14 17 unless a majority of the judicial council approves the  
14 18 apportionment.  
14 19 NEW SUBSECTION. 12. Notwithstanding any other  
14 20 provision of the Code to the contrary, if the chief  
14 21 justice of the supreme court determines a substantial  
14 22 disparity exists in the allocation of judgeships and  
14 23 judicial workload between judicial election districts,  
14 24 the chief justice may authorize a voluntary permanent  
14 25 transfer of a district judge from one judicial  
14 26 election district to another upon approval by a  
14 27 majority of the judicial council. After approval by  
14 28 the judicial council, the chief justice shall notify  
14 29 all eligible district judges of the intent to seek  
14 30 applicants for a voluntary permanent transfer and the  
14 31 terms of such a transfer. A district judge is not  
14 32 eligible for a voluntary transfer unless the judge has  
14 33 served a regular term of office as specified in  
14 34 section 46.16. Upon approval of the judge's  
14 35 application, the chief justice may transfer a district  
14 36 judge who consents to the transfer within six months  
14 37 of the notification. The transfer of a district judge  
14 38 shall take effect within sixty days of the official  
14 39 announcement of the transfer by the chief justice. A  
14 40 district judge transferred pursuant to this subsection  
14 41 shall have six months from the date of the  
14 42 announcement of the transfer to establish residency in  
14 43 the judicial election district where the district  
14 44 judge is transferred. A district judge who has been  
14 45 transferred shall stand for retention in the judicial  
14 46 election district to which the district judge has been  
14 47 transferred as provided in chapter 46. For purposes  
14 48 of subsection 3, the judgeship shall be apportioned to  
14 49 the judicial election district where the judge is  
14 50 transferred. A voluntary transfer pursuant to this  
15 1 subsection shall not cause a vacancy of a judgeship in  
15 2 the judicial election district from which the district  
15 3 judge was transferred.  
15 4 Sec. 40. Section 602.6301, Code 2003, is amended  
15 5 to read as follows:  
15 6 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT  
15 7 ASSOCIATE JUDGES.  
15 8 There shall be one district associate judge in  
15 9 counties having a population of more than thirty-five  
15 10 thousand and less than eighty thousand; two in  
15 11 counties having a population of eighty thousand or  
15 12 more and less than one hundred twenty-five thousand;  
15 13 three in counties having a population of one hundred  
15 14 twenty-five thousand or more and less than two hundred  
15 15 thousand; four in counties having a population of two  
15 16 hundred thousand or more and less than two hundred  
15 17 thirty-five thousand; five in counties having a  
15 18 population of two hundred thirty-five thousand or more  
15 19 and less than two hundred seventy thousand; six in  
15 20 counties having a population of two hundred seventy  
15 21 thousand or more and less than three hundred five  
15 22 thousand; and seven in counties having a population of  
15 23 three hundred five thousand or more. However, a

15 24 county shall not lose a district associate judgeship  
15 25 solely because of a reduction in the county's  
15 26 population. If the formula provided in this section  
15 27 results in the allocation of an additional district  
15 28 associate judgeship to a county, implementation of the  
15 29 allocation shall be subject to prior approval of the  
15 30 supreme court and availability of funds to the  
15 31 judicial branch. A district associate judge appointed  
15 32 pursuant to section 602.6302 ~~or 602.6303~~ shall not be  
15 33 counted for purposes of this section.

15 34 Sec. 41. Section 602.6304, subsections 1, 2, and  
15 35 3, Code 2003, are amended to read as follows:

15 36 1. The district associate judges authorized by  
15 37 sections 602.6301, and 602.6302, ~~and 602.6303~~ shall be  
15 38 appointed by the district judges of the judicial  
15 39 election district from persons nominated by the county  
15 40 magistrate appointing commission. In the case of a  
15 41 district associate judge to be appointed to more than  
15 42 one county, the appointment shall be from persons  
15 43 nominated by the county magistrate appointing  
15 44 commissions acting jointly and in the case of a  
15 45 district associate judge to be appointed to more than  
15 46 one judicial election district of the same judicial  
15 47 district, the appointment shall be by a majority of  
15 48 the district judges in each judicial election  
15 49 district.

15 50 2. In November of any year in which an impending  
16 1 vacancy is created because a district associate judge  
16 2 is not retained in office pursuant to a judicial  
16 3 election, the county magistrate appointing commission  
16 4 shall publicize notice of the vacancy in at least two  
16 5 publications in the official county newspaper. The  
16 6 commission shall accept applications for consideration  
16 7 for nomination as district associate judge for a  
16 8 minimum of fifteen days prior to certifying  
16 9 nominations. The commission shall consider the  
16 10 applications and shall, by majority vote, certify to  
16 11 the chief judge of the judicial district not later  
16 12 than December 15 of that year the names of three  
16 13 applicants who are nominated by the commission for the  
16 14 vacancy, unless the chief justice has ordered the  
16 15 commission to delay the certification of the nominees  
16 16 to the chief judge. The chief justice may order the  
16 17 delay of the certification for up to one hundred

16 18 eighty days for budgetary reasons. If there are three  
16 19 or fewer applicants the commission shall certify all  
16 20 applicants who meet the statutory qualifications.  
16 21 Nominees shall be chosen solely on the basis of the  
16 22 qualifications of the applicants, and political  
16 23 affiliation shall not be considered.

16 24 3. Within thirty days after a county magistrate  
16 25 appointing commission receives notification of an  
16 26 actual or impending vacancy in the office of district  
16 27 associate judge, other than a vacancy referred to in  
16 28 subsection 2, the commission shall certify to the  
16 29 chief judge of the judicial district the names of  
16 30 three applicants who are nominated by the commission  
16 31 for the vacancy, unless the chief justice has ordered  
16 32 the commission to delay the certification of the  
16 33 nominees to the chief judge. The chief justice may  
16 34 order the delay of the certification for up to one  
16 35 hundred eighty days for budgetary reasons. The

16 36 commission shall publicize notice of the vacancy in at  
16 37 least two publications in the official county  
16 38 newspaper. The commission shall accept applications  
16 39 for consideration for nomination as district associate  
16 40 judge for a minimum of fifteen days prior to  
16 41 certifying nominations. The commission shall consider  
16 42 the applications and shall, by majority vote, certify  
16 43 to the chief judge of the judicial district the names  
16 44 of three applicants who are nominated by the  
16 45 commission for the vacancy. If there are three or  
16 46 fewer applicants the commission shall certify all  
16 47 applicants who meet the statutory qualifications.  
16 48 Nominees shall be chosen solely on the basis of the  
16 49 qualifications of the applicants, and political  
16 50 affiliation shall not be considered. As used in this  
17 1 subsection, a vacancy is created by the death,  
17 2 retirement, resignation, or removal of a district  
17 3 associate judge, or by an increase in the number of  
17 4 positions authorized.

17 5 Sec. 42. Section 602.6305, subsection 1, Code  
17 6 2003, is amended to read as follows:  
17 7 1. District associate judges shall serve initial  
17 8 terms and shall stand for retention in office within  
17 9 the judicial election districts of their residences at  
17 10 the judicial election in 1982 and every ~~four~~ six years  
17 11 thereafter, under sections 46.17 to 46.24.  
17 12 Sec. 43. Section 602.6403, subsection 3, Code  
17 13 2003, is amended to read as follows:  
17 14 3. Within thirty days following receipt of  
17 15 notification of a vacancy in the office of magistrate,  
17 16 the commission shall appoint a person to the office to  
17 17 serve the remainder of the unexpired term, unless the  
17 18 chief justice has ordered the commission to delay the  
17 19 appointment for up to one hundred eighty days for  
17 20 budgetary reasons. For purposes of this section,  
17 21 vacancy means a death, resignation, retirement, or  
17 22 removal of a magistrate, or an increase in the number  
17 23 of positions authorized.  
17 24 Sec. 44. Section 602.7103B, subsections 2 and 3,  
17 25 Code 2003, are amended to read as follows:  
17 26 2. In November of any year in which an impending  
17 27 vacancy is created because a full-time associate  
17 28 juvenile judge is not retained in office pursuant to a  
17 29 judicial election, the county magistrate appointing  
17 30 commission shall publicize notice of the vacancy in at  
17 31 least two publications in the official county  
17 32 newspaper. The commission shall accept applications  
17 33 for consideration for nomination as full-time  
17 34 associate juvenile judge for a minimum of fifteen days  
17 35 prior to certifying nominations. The commission shall  
17 36 consider the applications and shall, by majority vote,  
17 37 certify to the chief judge of the judicial district  
17 38 not later than December 15 of that year the names of  
17 39 three applicants who are nominated by the commission  
17 40 for the vacancy, unless the chief justice has ordered  
17 41 the commission to delay the certification of the  
17 42 nominees to the chief judge. The chief justice may  
17 43 order the delay of the certification for up to one  
17 44 hundred eighty days for budgetary reasons. If there  
17 45 are three or fewer applicants, the commission shall  
17 46 certify all applicants who meet the statutory  
17 47 qualifications. Nominees shall be chosen solely on  
17 48 the basis of the qualifications of the applicants, and  
17 49 political affiliation shall not be considered.  
17 50 3. Within thirty days after a county magistrate  
18 1 appointing commission receives notification of an  
18 2 actual or impending vacancy in the office of full-time  
18 3 associate juvenile judge, other than a vacancy  
18 4 referred to in subsection 2, the commission shall  
18 5 certify to the chief judge of the judicial district  
18 6 the names of three applicants who are nominated by the  
18 7 commission for the vacancy, unless the chief justice  
18 8 has ordered the commission to delay the certification  
18 9 of the nominees to the chief judge. The chief justice  
18 10 may order the delay of the certification for up to one  
18 11 hundred eighty days for budgetary reasons. The  
18 12 commission shall publicize notice of the vacancy in at  
18 13 least two publications in the official county  
18 14 newspaper. The commission shall accept applications  
18 15 for consideration for nomination as full-time  
18 16 associate juvenile judge for a minimum of fifteen days  
18 17 prior to certifying nominations. The commission shall  
18 18 consider the applications and shall, by majority vote,  
18 19 certify to the chief judge of the judicial district  
18 20 the names of three applicants who are nominated by the  
18 21 commission for the vacancy. If there are three or  
18 22 fewer applicants, the commission shall certify all  
18 23 applicants who meet the statutory qualifications.  
18 24 Nominees shall be chosen solely on the basis of the  
18 25 qualifications of the applicants, and political  
18 26 affiliation shall not be considered. As used in this  
18 27 subsection, a vacancy is created by the death,  
18 28 retirement, resignation, or removal of a full-time  
18 29 associate juvenile judge, or by an increase in the  
18 30 number of positions authorized.  
18 31 Sec. 45. Section 602.8102, subsection 9, Code  
18 32 2003, is amended to read as follows:  
18 33 9. Enter in the appearance docket a memorandum of  
18 34 the date of filing of all petitions, demurrers,  
18 35 answers, motions, or papers of any other description

18 36 in the cause. A pleading of any description is  
18 37 considered filed when the clerk entered the date the  
18 38 pleading was received on the pleading and the pleading  
18 39 shall not be taken from the clerk's office until the  
18 40 memorandum is made. The memorandum shall be made  
18 41 ~~before the end of the next working day within two~~  
18 42 ~~business days of a new petition or order being filed,~~  
18 43 ~~and as soon as practicable for all other pleadings.~~  
18 44 Thereafter, when a demurrer or motion is sustained or  
18 45 overruled, a pleading is made or amended, or the trial  
18 46 of the cause, rendition of the verdict, entry of  
18 47 judgment, issuance of execution, or any other act is  
18 48 done in the progress of the cause, a similar  
18 49 memorandum shall be made of the action, including the  
18 50 date of action and the number of the book and page of  
19 1 the record where the entry is made. The appearance  
19 2 docket is an index of each suit from its commencement  
19 3 to its conclusion.  
19 4 Sec. 46. Section 602.8102, subsection 11, Code  
19 5 2003, is amended to read as follows:  
19 6 11. Refund amounts less than ~~one dollar three~~  
19 7 ~~dollars~~ only upon written application.  
19 8 Sec. 47. Section 602.8106, subsection 1,  
19 9 paragraphs b, c, d, and e, Code 2003, are amended to  
19 10 read as follows:  
19 11 b. For filing and docketing of a complaint or  
19 12 information for a simple misdemeanor and a complaint  
19 13 or information for a nonscheduled simple misdemeanor  
19 14 under chapter 321, ~~twenty-five~~ seventeen dollars.  
19 15 c. For filing and docketing a complaint or  
19 16 information or uniform citation and complaint for  
19 17 parking violations under sections 321.236, 321.239,  
19 18 321.358, 321.360, and 321.361, ~~one dollar eight~~  
19 19 ~~dollars~~, effective January 1, ~~1991~~ 2004. The court  
19 20 costs in cases of parking meter and overtime parking  
19 21 violations which are denied, and charged and collected  
19 22 pursuant to section 321.236, subsection 1, or pursuant  
19 23 to a uniform citation and complaint, are eight dollars  
19 24 per information or complaint or per uniform citation  
19 25 and complaint effective January 1, 1991.  
19 26 d. The court costs in scheduled violation cases  
19 27 where a court appearance is required ~~are twenty-five,~~  
19 28 ~~seventeen~~ dollars.  
19 29 e. For court costs in scheduled violation cases  
19 30 where a court appearance is not required, ~~fifteen~~  
19 31 seventeen dollars.  
19 32 Sec. 48. Section 624.20, Code 2003, is amended to  
19 33 read as follows:  
19 34 624.20 SATISFACTION OF JUDGMENT.  
19 35 Where a judgment is set aside or satisfied by  
19 36 execution or otherwise, the clerk shall at once enter  
19 37 a memorandum thereof on the column left for that  
19 38 purpose in the judgment docket. However, the clerk  
19 39 may enter satisfaction of judgment if the amount of  
19 40 the judgment that is unsatisfied is ~~one dollar three~~  
19 41 ~~dollars~~ or less.  
19 42 Sec. 49. Section 631.5, subsection 6, Code 2003,  
19 43 is amended to read as follows:  
19 44 6. DEFAULT. If a defendant fails to appear and  
19 45 the clerk in accordance with subsection 4 determines  
19 46 that proper notice has been given, judgment shall be  
19 47 rendered against the defendant by the clerk if the  
19 48 relief is readily ascertainable. If the relief is not  
19 49 readily ascertainable the claim shall be assigned to a  
19 50 judicial magistrate for determination ~~and the clerk~~  
20 1 ~~shall immediately notify the plaintiff or the~~  
20 2 ~~plaintiff's attorney and the judicial magistrate of~~  
20 3 ~~such assignment by ordinary mail.~~  
20 4 Sec. 50. Section 631.6, subsection 1, paragraph c,  
20 5 Code 2003, is amended to read as follows:  
20 6 c. Postage charged for the mailing of original  
20 7 notice shall be ~~the actual costs of the postage eight~~  
20 8 ~~dollars.~~  
20 9 Sec. 51. Section 633.20B, subsections 2 and 3,  
20 10 Code 2003, are amended to read as follows:  
20 11 2. In November of any year in which an impending  
20 12 vacancy is created because a full-time associate  
20 13 probate judge is not retained in office pursuant to a  
20 14 judicial election, the county magistrate appointing  
20 15 commission shall publicize notice of the vacancy in at  
20 16 least two publications in the official county

20 17 newspaper. The commission shall accept applications  
20 18 for consideration for nomination as full-time  
20 19 associate probate judge for a minimum of fifteen days  
20 20 prior to certifying nominations. The commission shall  
20 21 consider the applications and shall, by majority vote,  
20 22 certify to the chief judge of the judicial district  
20 23 not later than December 15 of that year the names of  
20 24 three applicants who are nominated by the commission  
20 25 for the vacancy, unless the chief justice has ordered  
20 26 the commission to delay the certification of the  
20 27 nominees to the chief judge. The chief justice may  
20 28 order the delay of the certification for up to one  
20 29 hundred eighty days for budgetary reasons. If there  
20 30 are three or fewer applicants, the commission shall  
20 31 certify all applicants who meet the statutory  
20 32 qualifications. Nominees shall be chosen solely on  
20 33 the basis of the qualifications of the applicants, and  
20 34 political affiliation shall not be considered.

20 35 3. Within thirty days after a county magistrate  
20 36 appointing commission receives notification of an  
20 37 actual or impending vacancy in the office of full-time  
20 38 associate probate judge, other than a vacancy referred  
20 39 to in subsection 2, the commission shall certify to  
20 40 the chief judge of the judicial district the names of  
20 41 three applicants who are nominated by the commission  
20 42 for the vacancy, unless the chief justice has ordered  
20 43 the commission to delay the certification of the  
20 44 nominees to the chief judge. The chief justice may  
20 45 order the delay of the certification for up to one  
20 46 hundred eighty days for budgetary reasons. The  
20 47 commission shall publicize notice of the vacancy in at  
20 48 least two publications in the official county  
20 49 newspaper. The commission shall accept applications  
20 50 for consideration for nomination as full-time

21 1 associate probate judge for a minimum of fifteen days  
21 2 prior to certifying nominations. The commission shall  
21 3 consider the applications and shall, by majority vote,  
21 4 certify to the chief judge of the judicial district  
21 5 the names of three applicants who are nominated by the  
21 6 commission for the vacancy. If there are three or  
21 7 fewer applicants, the commission shall certify all  
21 8 applicants who meet the statutory qualifications.  
21 9 Nominees shall be chosen solely on the basis of the  
21 10 qualifications of the applicants, and political  
21 11 affiliation shall not be considered. As used in this  
21 12 subsection, a vacancy is created by the death,  
21 13 retirement, resignation, or removal of a full-time  
21 14 associate probate judge, or by an increase in the  
21 15 number of positions authorized.

21 16 Sec. 52. Section 633.47, Code 2003, is amended to  
21 17 read as follows:  
21 18 633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF  
21 19 COSTS.

21 20 Proof of service of any notice, required by this  
21 21 Code or by order of court, including those by  
21 22 publication, shall be filed with the clerk. The costs  
21 23 of serving any notice given by the fiduciary shall ~~be~~  
21 24 ~~taxed by the clerk as part of the costs of~~  
21 25 ~~administration in said be paid directly by the estate.~~

21 26 Sec. 53. Section 633.301, Code 2003, is amended to  
21 27 read as follows:  
21 28 633.301 COPY OF WILL FOR EXECUTOR.

21 29 When a will has been admitted to probate and  
21 30 certified pursuant to section 633.300, the clerk shall  
21 31 cause ~~an authenticated~~ a certified copy thereof to be  
21 32 placed in the hands of the executor to whom letters  
21 33 are issued. The clerk shall retain the will in a  
21 34 separate file provided for that purpose until the time  
21 35 for contest has expired, and promptly thereafter shall  
21 36 place it with the files of the estate.

21 37 Sec. 54. Section 633.479, unnumbered paragraph 2,  
21 38 Code 2003, is amended to read as follows:  
21 39 An order approving the final report and discharging  
21 40 the personal representative shall not be required if  
21 41 all distributees otherwise entitled to notice are  
21 42 adults, under no legal disability, have signed waivers  
21 43 of notice as provided in section 633.478, have signed  
21 44 statements of consent agreeing that the prayer of the  
21 45 final report shall constitute an order approving the  
21 46 final report and discharging the personal  
21 47 representative, and if the statements of consent are

21 48 dated not more than thirty days prior to the date of  
21 49 the final report, and if compliance with sections  
21 50 422.27 and 450.58 have been fulfilled and receipts and  
22 1 certificates are on file. In those instances final  
22 2 order shall not be required and the prayer of the  
22 3 final report shall be considered as granted and shall  
22 4 have the same force and effect as an order of  
22 5 discharge of the personal representative and an order  
22 6 approving the final report. ~~The clerk shall comply~~  
~~22 7 with section 633.480 with respect to issuing a change~~  
~~22 8 of title.~~

22 9 Sec. 55. Section 633.480, Code 2003, is amended to  
22 10 read as follows:

22 11 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX  
22 12 PURPOSES WITH ADMINISTRATION.

22 13 After discharge as provided in section 633.479, ~~the~~  
~~22 14 clerk shall certify under chapter 558 relative to each~~  
~~22 15 parcel of real estate the personal representative~~  
~~22 16 shall deliver to the county recorder of the county in~~  
~~22 17 which the real estate is situated a certificate~~  
~~22 18 pertaining to each parcel of real estate described in~~  
22 19 the final report of the personal representative which  
22 20 has not been sold by the personal representative, ~~and~~  
~~22 21 deliver the certificate to the county recorder of the~~  
~~22 22 county in which the real estate is situated.~~ The  
22 23 certificate shall include the name and complete  
22 24 mailing address, as shown on the final report, of the  
22 25 individual or entity in whose name each parcel of real  
22 26 estate is to be taxed. The county recorder shall  
22 27 deliver the certificate to the county auditor as  
22 28 provided in section 558.58.

22 29 Sec. 56. Section 633.481, Code 2003, is amended to  
22 30 read as follows:

22 31 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX  
22 32 PURPOSES WITHOUT ADMINISTRATION.

22 33 When an inventory or report is filed under section  
22 34 450.22, without administration of the estate of the  
22 35 decedent, the ~~clerk heir or heir's attorney~~ shall  
22 36 ~~issue prepare~~ and deliver to the county recorder of  
22 37 the county in which the real estate is situated a  
22 38 certificate pertaining to each parcel of real estate  
22 39 described in the inventory or report. Any fees for  
22 40 certificates or recording fees required by this  
22 41 section or section 633.480 shall be assessed as costs  
22 42 of administration. The fee for recording and indexing  
22 43 the instrument shall be as provided in section  
22 44 331.604. The county recorder shall deliver the  
22 45 certificates to the county auditor as provided in  
22 46 section 558.58.

22 47 Sec. 57. Section 635.7, Code 2003, is amended to  
22 48 read as follows:

22 49 635.7 REPORT AND INVENTORY == EXCESS VALUE AND  
22 50 TERMINATION.

23 1 The executor or administrator is required to file  
23 2 the report and inventory for which provision is made  
23 3 in section 633.361. Nothing in sections 635.1 to  
23 4 635.3 shall exempt the executor or administrator from  
23 5 complying with the requirements of section 422.27,  
23 6 450.22, or 450.58, ~~or the clerk from complying with~~  
~~23 7 the requirements of section 633.481.~~ If the inventory  
23 8 and report shows assets subject to the jurisdiction of  
23 9 this state which exceed the total gross value of the  
23 10 amount permitted the small estate under the applicable  
23 11 provision of section 635.1, the clerk shall terminate  
23 12 the letters issued under section 635.1 without  
23 13 prejudice to the rights of persons who delivered  
23 14 property as permitted under section 635.3. The  
23 15 executor or administrator shall then be required to  
23 16 petition for administration of the estate as provided  
23 17 in chapter 633.

23 18 Sec. 58. Section 668.13, subsection 3, Code 2003,  
23 19 is amended to read as follows:

23 20 3. Interest shall be calculated as of the date of  
23 21 judgment at a rate equal to the one-year treasury  
23 22 constant maturity ~~index~~ published by the federal  
23 23 reserve in the H15 report settled immediately prior to  
23 24 the date of the judgment plus two percent. The state  
23 25 court administrator shall distribute notice monthly of  
23 26 that rate and any changes to that rate to all district  
23 27 courts.

23 28 Sec. 59. Section 902.4, Code 2003, is amended to

23 29 read as follows:

23 30 902.4 RECONSIDERATION OF FELON'S SENTENCE.

23 31 For a period of one year from the date when a  
23 32 person convicted of a felony, other than a class "A"  
23 33 felony or a felony for which a minimum sentence of  
23 34 confinement is imposed, begins to serve a sentence of  
23 35 confinement, the court, on its own motion or on the  
23 36 recommendation of the director of the Iowa department  
23 37 of corrections, may order the person to be returned to  
23 38 the court, at which time the court may review its  
23 39 previous action and reaffirm it or substitute for it  
23 40 any sentence permitted by law. Copies of the order to  
23 41 return the person to the court shall be provided to  
23 42 the attorney for the state, the defendant's attorney,  
23 43 and the defendant. Upon a request of the attorney for  
23 44 the state, the defendant's attorney, or the defendant  
23 45 if the defendant has no attorney, the court may, but  
23 46 is not required to, conduct a hearing on the issue of  
23 47 reconsideration of sentence. The court shall not  
23 48 disclose its decision to reconsider or not to  
23 49 reconsider the sentence of confinement until the date  
23 50 reconsideration is ordered or the date the one-year  
24 1 period expires, whichever occurs first. The district  
24 2 court retains jurisdiction for the limited purposes of  
24 3 conducting such review and entering an appropriate  
24 4 order notwithstanding the timely filing of a notice of  
24 5 appeal. The court's final order in the proceeding  
24 6 shall be delivered to the defendant personally or by  
24 7 certified regular mail. The court's decision to take  
24 8 the action or not to take the action is not subject to  
24 9 appeal. However, for the purposes of appeal, a  
24 10 judgment of conviction of a felony is a final judgment  
24 11 when pronounced.

24 12 Sec. 60. Section 903.2, Code 2003, is amended to  
24 13 read as follows:

24 14 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

24 15 For a period of thirty days from the date when a  
24 16 person convicted of a misdemeanor begins to serve a  
24 17 sentence of confinement, the court may order the  
24 18 person to be returned to the court, at which time the  
24 19 court may review its previous action and reaffirm it  
24 20 or substitute for it any sentence permitted by law.  
24 21 The sentencing court retains jurisdiction for the  
24 22 limited purposes of conducting such review and  
24 23 entering an appropriate order notwithstanding the  
24 24 timely filing of a notice of appeal or an application  
24 25 for discretionary review. The court's final order in  
24 26 the proceeding shall be delivered to the defendant  
24 27 personally or by certified regular mail. Such action  
24 28 is discretionary with the court and its decision to  
24 29 take the action or not to take the action is not  
24 30 subject to appeal. The other provisions of this  
24 31 section notwithstanding, for the purposes of appeal a  
24 32 judgment of conviction is a final judgment when  
24 33 pronounced.

24 34 Sec. 61. Section 907.4, Code 2003, is amended to  
24 35 read as follows:

24 36 907.4 DEFERRED JUDGMENT DOCKET.

24 37 A deferment of judgment under section 907.3 shall  
24 38 be ~~reported~~ entered promptly by the clerk of the  
24 39 district court, or the clerk's designee, ~~to the state~~  
~~24 40 court administrator for entry in into the deferred~~  
~~24 41 judgment docket database of the state, which shall~~  
~~24 42 serve as the deferred judgment docket.~~ The docket  
24 43 shall contain a permanent record of the deferred  
24 44 judgment including the name and date of birth of the  
24 45 defendant, the district court docket number, the  
24 46 nature of the offense, and the date of the deferred  
24 47 judgment. Before granting deferred judgment in any  
24 48 case, the court shall ~~request of the state court~~  
~~24 49 administrator~~ a search of the deferred judgment docket  
24 50 and shall consider any prior record of a deferred  
25 1 judgment against the defendant. The permanent record  
25 2 provided for in this section is a confidential record  
25 3 exempted from public access under section 22.7 and  
25 4 shall be available only to justices of the supreme  
25 5 court, judges of the court of appeals, district  
25 6 judges, district associate judges, judicial  
25 7 magistrates, clerks of the district court, ~~and~~ county  
25 8 attorneys, and the department of corrections  
25 9 requesting information pursuant to this section, or

25 10 the designee of a justice, judge, magistrate, clerk,  
25 11 or county attorney, or department.  
25 12 Sec. 62. Sections 602.6303 and 633.15, Code 2003,  
25 13 are repealed.  
25 14 Sec. 63. Section 602.6201, subsection 12, as  
25 15 enacted by this Act, is amended by striking the  
25 16 subsection effective July 1, 2008.  
25 17 Sec. 64. The sections of this Act amending section  
25 18 46.12; section 602.6304, subsections 2 and 3; and  
25 19 sections 602.6403, 602.7103B, and 633.20B are repealed  
25 20 on July 1, 2006.  
25 21 Sec. 65. RETENTION OF JUDGES. The amendments in  
25 22 this Act to section 46.16, subsections 2 and 3, apply  
25 23 to elections for retaining a judge occurring after the  
25 24 effective date of this Act.  
25 25 Sec. 66. JUDICIAL DISTRICT REDISTRICTING INTERIM  
25 26 STUDY COMMITTEE. The legislative council is requested  
25 27 to establish an interim study committee to study the  
25 28 judicial district and judicial election district  
25 29 redistricting and the allocation of judicial branch  
25 30 resources. The committee shall review all relevant  
25 31 matters regarding judicial district and judicial  
25 32 election district redistricting, and the allocation of  
25 33 judicial branch resources deemed relevant by the  
25 34 majority of the committee including but not limited to  
25 35 determining whether a misallocation of judicial  
25 36 officers exists between judicial districts, the nature  
25 37 and history of judicial branch resources and a cost  
25 38 analysis of current judicial branch resources, the  
25 39 optimum allocation of resources regardless of judicial  
25 40 district boundaries, the effect of redistricting on  
25 41 the delivery of court services and employee morale, a  
25 42 cost benefits analysis of implementing a redistricting  
25 43 plan, and the recommendations of the Iowa supreme  
25 44 court committee on redistricting. If after reviewing  
25 45 all relevant matters the committee determines that  
25 46 redistricting should occur, the committee shall adopt  
25 47 a redistricting plan and submit the plan for  
25 48 consideration by the general assembly by December 15,  
25 49 2003. If the committee determines redistricting  
25 50 should not occur, the committee shall submit to the  
26 1 general assembly other recommendations for achieving  
26 2 an optimum allocation of judicial branch resources by  
26 3 December 15, 2003. The committee shall consist of  
26 4 twenty-six members with each organization selecting  
26 5 their member or representative as follows:  
26 6 1. Three members to be selected by the supreme  
26 7 court.  
26 8 2. One member to be selected by the speaker of the  
26 9 house of representatives.  
26 10 3. One member to be selected by the president of  
26 11 the senate.  
26 12 4. Three members of the Iowa state bar  
26 13 association.  
26 14 5. Three members of the Iowa judges association.  
26 15 6. Three members of the Iowa trial lawyers  
26 16 association.  
26 17 7. Two members of the Iowa clerks of court  
26 18 association.  
26 19 8. One member of the Iowa association of  
26 20 magistrate judges.  
26 21 9. One member of the Iowa defense counsel  
26 22 association.  
26 23 10. One member of the Iowa academy of trial  
26 24 lawyers.  
26 25 11. One member of the Iowa county attorneys  
26 26 association.  
26 27 12. A representative of the judicial district  
26 28 department of correctional services to be selected by  
26 29 the eight directors of the judicial district  
26 30 department of correctional services.  
26 31 13. One member of the Iowa sheriffs' and deputies'  
26 32 association.  
26 33 14. One member of the recorders affiliate of the  
26 34 Iowa state association of counties.  
26 35 15. One member of the Iowa court reporters  
26 36 association.  
26 37 16. One member to be selected by the Iowa civil  
26 38 liberties union.  
26 39 17. One member of the supervisors affiliate of the  
26 40 Iowa state association of counties.>



26 41 #2. Title page, by striking lines 1 through 6 and  
1  
26 42 inserting the following: 26 43 judicial branch including by establishing a judicial  
26 44 district and judicial election district redistricting  
26 45 process, making changes to the nomination,  
26 46 appointment, and retention of judges, expanding  
26 47 magistrate courts, eliminating the position of  
26 48 alternate district associate judge, permitting  
26 49 district judgeships to be apportioned or transferred  
26 50 to another judicial district, requiring the county  
27 1 sheriff to serve a summons in certain delinquency  
27 2 proceedings, eliminating the participation of the  
27 3 foster care review board in voluntary foster care  
27 4 placements, waiving the filing fee and court costs in  
27 5 certain contempt actions, changing the duties of and  
27 6 the procedures related to the clerk of the district  
27 7 court, providing that interest on a judgment be  
27 8 calculated upon the one year treasury constant  
27 9 maturity plus two percent, expanding the access of the  
27 10 deferred judgment docket, prohibiting regional  
27 11 litigation centers, modifying the schedule of the  
27 12 probate court, providing for a fee, and providing for  
27 13 a study.>  
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27 16  
27 17 \_\_\_\_\_  
27 17 DONALD B. REDFERN  
27 18 SF 418.701 80  
27 19 jm/cl